

ORDER

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS	§	CR. NO. B-06-272
	§	(ASH)
Juan Antonio Cervantes-Martinez	§	

**O R D E R**

A motion to determine the competency of the defendant was filed on his behalf by his attorney of record (Doc. #4 filed 03/14/06). The Court granted the motion (Doc. #4 filed 03/14/06), without making the proper findings required by the Speedy Trial Act, 18 U.S.C. § 3161(h) and as dictated by Zedner v. United States, 126 S. Ct. 1976; 164 L. Ed. 2d 749; 2006 U.S. LEXIS 4509; 74 U.S.L.W. 4271 (2006).<sup>1</sup>

In order to comply with the requirements of the Speedy Trial Act (id.) and the mandates of the United States Supreme Court in Zedner v. United States (id.), it is therefore ORDERED that defendant's motion for examination to determine mental competency is hereby GRANTED.

The Court grants defendant's motion pursuant to the provisions of the Speedy Trial Act due to proceedings involving defendant's examination to determine mental competency. The delay caused as a

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<sup>1</sup>Ruling that a defendant may not opt out of the federal Speedy Trial Act's time limits for commencing trial by renouncing his rights under the acts prior trial.

result of this motion shall be excluded in computing the time within which the trial of this case must commence.

DONE at Brownsville, Texas, this 11th day of July 2006.

  
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Felix Recio  
United States Magistrate Judge